

1901-015
Lee Co.

Chancery Causes: John R. Bailey vs. M. V. Reese &c

Moore

CA-Debt

T-Property

To the Honorable H.A.W.Skeen, Judge of the circuit court for Lee county, Virginia:

Humbly complaining, your orator, John R. Bailey, a citizen of said County, would respectfully represent unto your honor that on the 10th day of February, 1900, W.A.Orr, Jr., a Justice of the Peace for Lee county, rendered a judgment in his favor against M.V. and A.P. Reese for the sum of fifty dollars (\$50.00), with interest thereon from the 20th day of Dec. 1898, till paid, and \$1.50 costs; that said judgment has not since been paid, in whole or in part, *but* the same and every part thereof is now justly due and owing to your orator by the said M.V. and A.P. Reese; that on the 24th day of April, 1900, he had said judgment docketed in the Judgment Lien Docket in the office of the clerk of the county court for said county in Judgment Lien Docket No. 3, page 211, at an expense to himself of twenty five cents; all of which will more fully appear from an inspection of said original judgment which is herewith filed as a part hereof marked "Exhibit No. 1.", and a certified transcript from said Lien Docket which is herewith filed as a part hereof marked "Exhibit No. 2.".

Your orator further represents that, so far as he is informed, the said M.V. Reese does not own any real estate whatever in the State of Virginia.

Your orator alleges, however, that the said A.P. Reese is the owner of two tracts of land ^{*adjoining each other*} situated in Lee county, in what is known as the Craborchard, being the same parcels or lots which were assigned to him in the partition of certain real estate theretofore owned by himself and others jointly, and for a more particular description of the same reference is here made to the bounds of same as shown in report of commissioners who made said partition a certified copy of which is herewith filed as part hereof marked

"Exhibit No.3". Said two parcels contain 111 acres, when added together, the Lot No.2 containing 87 acres, and the Lot No.11 containing 24 acres, as shown by said report.

Your orator has been informed that the said A.P. Reese has sold and conveyed about 25 acres of said land to one Henry Moore, but he is unable to find any deed of record conveying the same.

Your orator alleges that there are no other liens against the said land except his judgment aforesaid.

Your orator alleges that the said land is mountainous, nearly all in the woods, and that the rents and profits from same will not in five years renting pay off and discharge his judgment aforesaid.

Now the object of this bill to enforce the lien of the judgment aforesaid against the said A.P. Reese's real estate aforesaid, and to the end that this may be done, your orator prays your Honor to take cognizance of his cause and grant him the proper relief.

He prays that M.V. Reese, A.P. Reese, Henry Moore be made parties defendant; *hereto; that they be required to answer, but not on oath, that* that process issue against them; that a decree may be rendered appointing a commissioner to make sale of so much of said real estate as may be necessary to pay off and discharge said judgment; that *if* the unsold ^{of A.P. Reese} land will not satisfy the same, that the land sold to Henry Moore may be likewise sold to satisfy said judgment; and that full general relief be granted.

L.P. Hyatt. .p.q.

Virginia, Lee County, to-wit:

To S. T. Callinace of said County:

I Hereby Command You to Summon M. V. Reese and
A. P. Reese

if to be found in your District, to appear at Jayden Va.
in said County, on the 10 day of Feb 1898, before me or such
other Justice of said County as may then be there to try this Warrant, to answer the complaint of
John R. Bailey in favor of Ball & L. L. Hall
and upon a claim for money not
exceeding \$100.00, exclusive of interest, to wit: for the sum of \$50.00, due by

Note. And then and there make return of this Warrant. Given
under my hand the 5 day of Feb 1898.

W. A. Orr Jr J. P.

John R. Bailey
M. V. Reese and
A. P. Reese Against

On the 10 day of Feb 1898.
In debt.
At Jayden, in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$50.00
with interest thereon from the 20 day of Dec 1898, till paid.
and \$1.50 for costs.

W. A. Orr Jr J. P.

VIRGINIA--Lee County to wit:

To S. T. Callinace of said County:

I COMMAND YOU, in the name of the Commonwealth of Virginia, that of the goods and chattels of M. V.
Reese by A. P. Reese, in your county, you cause to be
made the sum of \$50.00 with interest thereon from the 20th day of Dec
1898, till paid, which John R. Bailey has recovered before me in a
Warrant in Debt, and also the sum of \$1.50, which were adjudged to said John R.
Bailey for costs in prosecuting this Warrant.

Given under my hand the 10 day of Feb 1898.

W. A. Orr Jr J. P.

"Exhibit No. 1."

John R. Bailey
Vs M. V. Reese and
A. T. Reese

Executed By
Notice the above
returnable Feb 6, 1900
S. J. Caldiron, C. S. C.

Filed April 24, 1900
B. M. Morgan
docketed in J. L. O.
to 3 p 211 Apr 24 1900
B. M. Morgan

Entered on Justice's
Judgt. Book No. 2.
p. Apr. 24th 1900.
B. M. Morgan

Plaintiffs Costs

Clerk 4.44

Tax 1.50

Shff 1.50

atty 5.00

Co Clerk 65

\$13.09

John R. Bailey

vs { In Chancery

M. V. + A. P. Reese et al.

Original Bill.

L. F. Hy att, p. g.

1900 2nd May Rules Bill
filed Spa & sealed and
Decree nisi

" 1st June Rules taken
the last Monday in
May D. N. Confd & Cause
set for hearing

November Term 1901
Decree final Chcy Order
Book No 7 Page 14

John R. Bailey

Plff.

vs (In Chancery)

Deeds

M. V. + A. P. Reese et als. Defs.

This cause came on this day to be heard upon the papers formerly read, and the counsel for complainant stating that the judgment sought to be collected in this suit has been fully paid, it is adjudged ordered and decreed that said cause be dismissed, and the same is stricken from the docket.

John R. Bailey
vs } In Chancery
M. V. Ruse et al.

Decree Final

Entered on Chy O.B.
No 7 Page 14

Enter this decree
Novr. # 8, 1901.
H. A. W. Allen

John R. Bailey,

Plaintiff.

vs.

In Chancery.

M.V.&A.P.Reese and Henry Moore,

Defendants.

This cause came on this day to be heard upon the bill of the plaintiff and exhibits numbered one, two and three, filed therewith, process duly executed as to all of the defendants, the cause regularly matured at rules and set for hearing by the plaintiffx, and was argued by counsel. On consideration whereof, and the defendants having each failed to appear, plead answer or demur, it is adjudged ordered and decreed that the said plaintiff recover from the said M.V. and A.P. Reese the sum of fifty dollars (\$50.00), with legal interest thereon from the 20th day of December, 1898, until paid, and one dollar and seventy-five cents costs, and the costs of this suit; that said judgment is a lien upon the two tracts of land in the said bill and exhibit numbered three therewith filed; that, unless the said M.V. Reese and A.P. Reese, or some one for them shall, within ~~thirty~~ ^{sixty} days from the date of this decree, pay to the said plaintiff the recovery herein named, then L.T. Hyatt, who is hereby appointed a special commissioner for the purpose, will, after having executed bond before the clerk of this court in the penalty of one hundred dollars, conditioned according to law, and after having advertised the time terms and place of sale for at least thirty days prior thereto, by posting three or more written or printed notices thereof, one of which shall be at the front door of the court-house of Lee county, another in the neighborhood where the said land lies, and others at such public places as he may think proper, proceed, on some court day, at the front door of the said court-house, to make sale, by public auction, of so much of the land mentioned in said bill and exhibit numbered three, as may be found necessary to satisfy this decree, but

in making said sale said commissioner will sell first the 87-acre tract which is still owned by the said A.P. Reese, and will only sell the 24-acre tract in the event the said 87 acre tract should fail to bring a sum sufficient to pay the said debt, interest and cost of the plaintiff, and sale will be made on a credit of one and two years in equal installments, except costs of suit and commissions of sale which shall be paid down in cash on the day of sale, and for the deferred payments said commissioner will take bonds, payable to himself as commissioner, with good security, waiver of homestead and bearing interest from day of sale. Said commissioner will report his action hereunder to the next or some future term of this court, and the cause is continued.

E. C.

John R. Bailey

vs. (In Chancery.

M.V. Reese et al.

Decree No I for sale.

Err - on C. O. B.
no 6. p - 390.

Enter this decree,

June _____, 1900.

Hawthorn

Judgment Lien Docket.

Date of Judgment	By what Court Rendered	Time of Docketing	Names and Description of Parties.	Debt, Damages, Interest and Costs.	Amount and date of Credits.
1900 Feby 10 th	W.A. Orr, Jr. J.P.	1900 April 24 th	John R. Bailey - Plff. vs { In Debt. M.V. Reese and A. P. Reese - - - Defts.	Judgment for \$50.00 with interest thereon from the 20 day of Dec. 1898, till paid and \$1.50 costs + clerk's fee	

Virginia, Lee county, to wit:

I, B.M. Morgan, Clerk of the county court for said county, do
certify that the foregoing is a true transcript from Judgment Lien
Docket No. 3, page 211, a record book in my office.

Given under my hand this May 7th, 1900.

B.M. Morgan, Clk

John R. Bailey
vs / In lch
M. V. + A. P. Reese

"Exhibit No. 2"

Is etc.

We have laid off and assigned to Auburn Reese Lots No 2 & 11
Lot No.2 is bounded as follows--Beginning at (D) a stake near a
small poplar 1 pole E. of a chestnut and W. of a ^{black} gum marked as point-
ers and corner to Lot No.1 thence S 64 1/4 W. 20 poles to (G) a
maple, small chestnut and white-oak about 2 poles East of a road
that goes through the low gap, thence S 23 E crossing Wells' branch
at about 15 poles in all 346 poles to (H) a stake on the original
south line said is about 12 feet west of a large chestnut oak,
marked as a pointer, also a small chestnut pointer, thence with
said line N 61 1/2 E 30 poles to a stake (E) with two black gum
and three chestnut pointers, corner to Lot No.1, and with line of
same N 29 3/4 W. 344 poles to (D) the beginning, containing 87 acres
be the same more or less.

Lot No.11 is bounded as follows: Beginning at (5) a stake and
pointer on the south edge of a spur, corner to Lot No.12, thence
with a line of Lot No.8, N 52°49' E 29 -8/100 poles to (2), a stake
on the original East line, and with same S 39° 39' E 126 poles to
(B) a stake on the top of Wells ridge, corner to Lot No.1, and with
lines of same S 52° 49' W 3 poles to (C) a stake, S 81 W 8-46/100
poles to a stake, S 64 1/4 W 23 po. to (6) a stake, corner to lot
No.12, thence with a line of said Lot N 38 1/2 W 113-16/100 poles
to (5), the beginning, containing 24 acres be the same more or
less.

Virginia, Lee county, to wit:

I, B.M. Morgan, Clerk of the county court for said county, do
certify that the foregoing is a true copy of the assignment to
Auburn Reese, as the same appears of record in my office in Deed
Book No.24, page 255-'6.

Given under my hand this May 7th, 1900.

B.M. Morgan Clerk.

Classified by [redacted] on [redacted]

Page 10 of 10

Under the provisions of the [redacted] Act, [redacted]

the [redacted] of the [redacted] of the [redacted]

of the [redacted] of the [redacted] of the [redacted]

Alfred [redacted] [redacted]

1938.

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

John R. Bailey
vs { In Chy.
M.V. & A.P. Reese

Exhibit No 3.

40 cts

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

to [redacted] [redacted] [redacted] [redacted] [redacted]

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *M. V. Reese, A. P. Reese*
and Henry Moore

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *3rd* Monday in *May 1900* ~~1899~~, to answer a
bill in chancery exhibited against *them* in our said court by *John R*
Bailey

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *8th* day of *May 1900* ~~1899~~, and in the 12 *4th* year of the
Commonwealth.

A. B. Munsey Clerk

Copy for Henry Moore

Robbins

Form No. 800½.

John R. Bailey
vs. {
SUBPOENA
IN CHANCERY

M. V. Reese et als

L. T. Hyatt p. q.

To 2nd May Rules.

1900. Circuit Court.

Executed by Serving
Copy of notice on
Henry Moore.

May 17th 1900.

A. D. Robbins Deft.
for W. J. Milham, P. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *M. V. Reese, A. P. Reese*
and Henry Moore

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *3rd* Monday in *May 1900* ~~1899~~, to answer a
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court-house, the *8th* day of *May 1900* ~~1899~~, and in the 12 *4th* year of the
Commonwealth.

A. B. Munsey Clerk

Serve Copies on
M.V. Reese &
A.P. Reese

May 17 1500 Ely
Form No. 300½

John R. Bailey

vs. {

SUBPOENA

IN CHANCERY

M.V. Reese et al

L.T. Hyatt p. q.

To 2nd May Rules.

1900. Circuit Court.

Executed May 17, 1900 by
delivering an attested of-
fice copy of the within

Spa in Chay to Nora Reese wife of M.V. Reese a
at the residence of M.V. Reese she being a member of his family
over the age of 16 years, and by explaining to her its purport the
said M.V. Reese not being found at his usual place of abode &
by delivering to Minerva D. Reese wife of A.P. Reese at the resi-
dence of the said A.P. Reese she being a member of his family
over the age of 16 years, and by explaining to her its purport the
said A.P. Reese not being found at his usual place of abode.

J.P. Ely Sept
for M.J. Muleham B.L.